

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5320 GIBRALTAR Friday 3rd July 2026

LEGAL NOTICE NO. 140 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (ANNEX 27) REGULATIONS 2026

In exercise of the powers conferred on the Government by section 13 of the Treaty of Gibraltar and the European Union Act 2026, and for the purposes of implementing Annex 27 of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, and the United Kingdom of Great Britain and Northern Ireland, and all other enabling powers, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the TGEU Implementation (Annex 27) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3.(1) For the purposes of these Regulations-

“Annex 27” refers to Annex 27 of the TGEU;

“Appendix” refers to a numbered Appendix in Annex 27;

“Article” means –

- (a) an Article of the TGEU; or
- (b) an Article or other provision of Annex 27 (however numbered or described); or
- (c) an Article of an EU Regulation or a Commission Implementing Decision amended by or referred to in these Regulations,

and, in each case, except where the context otherwise requires;

“the EU” or “the Union” has the same meaning as in section 3(2) of the Treaty on Gibraltar and European Union Act 2026;

“licence” means a licence issued under section 66ZF of the Transport Act 1998;

“Member State” has the same meaning as in Article 3 of the TGEU;

“Part” means a numbered Part of Annex 27;

“road transport operator” has the same meaning as in section 2 of the Transport Act 1998;

“Specialised Committee on Economy and Trade” means the Committee established under Article 23(1)(b); and

“the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026.

(2) Any references in these Regulations to Annex 27 include any amendment or modification to that Annex by the Specialised Committee on Economy and Trade under Article 283 of the TGEU.

Purpose.

4. The purpose of these Regulations is to implement those parts of Annex 27 that are not otherwise provided for under Gibraltar law.

Application of EU law.

5.(1) The EU Regulations specified in regulations 6 to 9 are amended in accordance with those regulations.

(2) Unless otherwise defined in Annex 27 or in an EU Regulation or Commission Implementing Decision, where a term used in regulations 6 to 9 is not defined in regulation 3, that term has the meaning given to it in section 3 of the Treaty on Gibraltar and the European Union Act 2026.

Amendment of Regulation (EC) No 1071/2009.

6.(1) Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC is amended in accordance with this regulation.

(2) In Article 1, paragraph 4-

(a) point (a) is substituted with –

“(a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden

mass of which does not exceed 3,5 tonnes engaged exclusively in domestic transport operations in Gibraltar;”;

(b) after point (a) insert-

“(aa) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles, the permissible laden mass of which does not exceed 2,5 tonnes;”;

(c) after point (b) insert-

“(bb) For the purposes of point (b) , any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others, and which is not linked to professional activity, is to be considered as carriage exclusively for non-commercial purposes.”.

(3) For Article 5 substitute-

“Article 5

Conditions relating to the requirement of establishment

In order to fulfil the requirement of effective and stable establishment in the Party of establishment, a natural or legal person shall:

- (a) have premises at which it is able to access the originals of its core business documents, whether in electronic or any other form, in particular its transport contracts, documents relating to the vehicles at the disposal of the natural or legal person, accounting documents, personnel management documents, labour contracts, social security documents, documents containing data relating to journeys, driving time and rest periods, and any other document to which the competent authority must have access in order to verify the undertaking’s compliance with the conditions laid down in Part A of Annex 27 (Requirements for road haulage operators: admission to, and the pursuit of, the occupation of road haulage operator);
- (b) be registered on the register of commercial companies of that Party or in a similar register whenever required under national law;
- (c) be subject to tax on revenues and, whenever required under national law, have assigned a Value Added Tax identification number;
- (d) once an authorisation has been granted, have at its disposal one or more vehicles which are registered or put into circulation and authorised to be used in conformity with the legislation of that Party, regardless of whether

those vehicles are wholly owned or, for example, held under a hire-purchase agreement or under a hire or leasing contract;

- (e) effectively and continuously conduct its administrative and commercial activities with the appropriate equipment and facilities at premises as referred to in point (a) situated in that Party and manage its transport operations effectively and continuously using the vehicles referred to in point (f) with the appropriate technical equipment situated in that Party;
- (f) on an ongoing basis, have at its regular disposal a number of vehicles that comply with the conditions laid down in point (d) and drivers normally based at an operational centre in that Party, proportionate to the volume of transport operations carried out by the undertaking.”.

(4) In Article 6-

(a) paragraph 1 is amended as follows-

- (i) for the first and second subparagraphs, substitute-

“Subject to paragraph 2, the Parties shall determine the conditions to be met by natural or legal persons and transport managers in order to fulfil the requirement of good repute.

In determining whether a natural or legal person has fulfilled that requirement, the Parties shall consider the conduct of the natural or legal person, its transport managers, executive directors and any other relevant person as may be determined by the Party. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties incurred by or infringements of the natural or legal person, its transport managers, executive directors and any other relevant person as may be determined by the Party.”;

- (ii) in the third subparagraph, in point (a)(vi) delete the word “and”;
- (iii) after point (a)(vi) in the third subparagraph insert-
 - “(vii) tax law; and”;
- (iv) in the third subparagraph, in point (b) after “serious infringement” insert-
 - “of the rules of Articles 278 to 282 of the TGEU or of national rules”;
- (v) in the third subparagraph, in point (b)(x), substitute the full stop for a semi-colon;

(vi) in the third subparagraph, after point (b)(x) insert-

“(xi) the posting of workers in road transport;

(xii) the law applicable to contractual obligations; and

(xiii) journeys whose points of loading and unloading are situated in the other Party.”;

(b) for paragraph 2 substitute-

“2. For the purposes of point (b) of the third subparagraph of paragraph 1, where the transport manager or road transport operator has been convicted of a serious criminal offence or has incurred a penalty for one of the most serious infringements as set out in Appendix 27-A-1-1, in one or both Parties, the competent authority in the Party of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site inspection at the premises of the natural or legal person concerned.

During the administrative procedure, the competent authority shall assess whether, due to specific circumstances, the loss of good repute would constitute a disproportionate response in the individual case. In that assessment, the competent authority shall take into account the number of serious infringements of the rules as referred to in the third subparagraph of paragraph 1 of this Article, as well as the number of most serious infringements as set out in Appendix 27-A-1-1 for which the transport manager or the road transport operator has been convicted or has had penalties imposed on them. Any such finding shall be duly reasoned and justified.

Where the competent authority finds that the loss of good repute would be disproportionate, it shall decide that the natural or legal person concerned continues to be of good repute. Where the competent authority does not find that the loss of good repute would be disproportionate, the conviction or penalty shall lead to the loss of good repute.

2A. In addition to the list of most serious infringements set out in Appendix 27-A-1-1, serious infringements set out in Appendix 27A11bis may lead to the loss of good repute.

2B. The requirement of good repute shall not be fulfilled until a rehabilitation measure or any other measure having an equivalent effect has been taken pursuant to the relevant provisions of national law of the Parties.”.

(5) In Article 7-

(a) for paragraphs 1 and 2 substitute-

- “1. In order to fulfil the requirement of financial standing, a natural or legal person shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The natural or legal person shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal capital and reserves:
- (a) totalling at least EUR 9 000 / GBP 8 000 when only one motor vehicle is used, EUR 5 000 / GBP 4 500 for each additional motor vehicle or combination of vehicles used that has a permissible laden mass exceeding 3.5 tonnes and EUR 900 / GBP 800 for each additional motor vehicle or combination of vehicles that has a permissible laden mass, exceeding 2.5 tonnes but not 3.5 tonnes;
 - (b) natural or legal persons engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles that have a permissible laden mass exceeding 2.5 tonnes but not 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal capital and reserves totalling at least EUR 1 800 / GBP 1 600 when only one vehicle is used and EUR 900 / GBP 800 for each additional vehicle used.
2. By way of derogation from paragraph 1, the competent authority may agree or require that an undertaking demonstrate its financial standing by means of a certificate determined by the competent authority, such as a bank guarantee or an insurance, including a professional liability insurance from one or more banks or other financial institutions including insurance companies or by another binding document providing a joint and several guarantee for the undertaking in respect of the amounts specified in paragraph 1.”;
- (b) after paragraph 2 insert-
- “2A. By way of derogation from paragraph 1, in the absence of certified annual accounts for the year of an undertaking's registration, the competent authority shall agree that an undertaking is to demonstrate its financial standing by means of a certificate, such as a bank guarantee, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document as determined by the competent authority proving that the undertaking has at its disposal the amounts specified in point (a) of paragraph 1.”.

(6) For Article 8 substitute—

“Article 8

Conditions relating to the requirement of professional competence

1. In order to satisfy the requirement of professional competence, the person or persons concerned shall possess knowledge corresponding to the level provided for in Part I of Appendix 27-A-1-2 in the subjects listed therein. That knowledge shall be demonstrated by means of a compulsory written examination which, if a Party so decides, may be supplemented by an oral examination. Those examinations shall be organised in accordance with Part II of Appendix 27-A-1-2. To this end, a Party may decide to impose training prior to the examination.
2. The persons concerned shall sit the examination in the Party in which they have their normal residence.
3. Only the authorities or bodies duly authorised for this purpose by a Party, in accordance with criteria defined by it, may organise and certify the written and oral examinations referred to in paragraph 1 of this Article. The Parties shall regularly verify that the conditions under which those authorities or bodies organise the examinations are in accordance with Appendix 27-A-1-2.
4. A Party may exempt the holders of certain higher education qualifications or technical education qualifications issued in that Party, specifically designated to this end and entailing knowledge of all the subjects listed in Appendix 27-A-1-2 from the examination in the subjects covered by those qualifications. The exemption shall only apply to those Sections of Part I of Appendix 27-A-1-2 for which the qualification covers all subjects listed under the heading of each Section.
5. A Party may exempt from specified parts of the examinations holders of certificates of professional competence valid for national transport operations in that Party.”.

(7) After Article 8 insert—

“Article 8A

Exemption from examination

For the purpose of granting a licence to a road transport operator which only operates motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes, a Party may decide to exempt from the examinations referred to in Article 8(1) persons who provide evidence that they have continuously managed, for the period of 10 years before 20 August 2020, a natural or legal person of the same type.”.

(8) For Article 11 substitute -

“Article 11

Examination and registration of applications

1. The competent authorities in each Party shall record in the national electronic registers referred to in Article 16(1) the data relating to undertakings which they authorise.
2. When assessing the good repute of an undertaking, the competent authorities shall verify, whether at the time of the application the designated transport manager or managers are declared, in one of the Parties, unfit to manage the transport activities of an undertaking pursuant to Article 14.
3. The competent authorities shall regularly monitor whether undertakings which they have authorised to engage in the occupation of road haulage operators continue to fulfil the requirements referred to in Article 3. To that end, the competent authorities shall carry out checks, including, where appropriate, on-site inspections at the premises of the undertaking concerned, targeting those undertakings which are classed as posing an increased risk.”.

(9) For Article 13 substitute -

“Article 13

Procedure for the suspension and withdrawal of authorisations

1. Where a competent authority establishes that a natural or legal person runs the risk of no longer fulfilling the requirements laid down in Article 3, it shall notify the natural or legal person thereof. Where a competent authority establishes that one or more of those requirements is no longer satisfied, it may set one of the following time limits for the natural or legal person to rectify the situation:
 - (a) a time limit not exceeding six months, which may be extended by three months in the event of the death or physical incapacity of the transport manager, for the recruitment of a replacement transport manager where the transport manager no longer satisfies the requirement as to good repute or professional competence;
 - (b) a time limit not exceeding six months where the natural or legal person has to rectify the situation by demonstrating that the natural or legal person has an effective and stable establishment; or
 - (c) a time limit not exceeding six months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement is again satisfied on a permanent basis.

2. The competent authority may require a natural or legal person whose authorisation has been suspended or withdrawn to ensure that its transport managers have passed the examinations referred to in Article 8(1) prior to any rehabilitation measure being taken.
3. If the competent authority establishes that the natural or legal person no longer satisfies one or more of the requirements laid down in Article 3, it shall suspend or withdraw the authorisation to engage in the occupation of road haulage operator within the time limits referred to in paragraph 1 of this Article.”.

(10) For Article 14 substitute-

“Article 14

Declaration of unfitness of the transport manager

1. Where a transport manager loses good repute in accordance with Article 6, the competent authority shall declare that transport manager unfit to manage the transport activities of a road transport operator.
2. The competent authority shall not permit the transport manager to manage the transport activities of a road transport operator earlier than one year from the date of the loss of good repute and before the transport manager has demonstrated to have followed appropriate training for a period of at least three months or an exam on the subjects listed in Part I of Appendix 27-A-1-2.
3. Where a transport manager loses good repute in accordance with Article 6, an application for re-establishment may be made after not less than one year from the date of the loss of good repute.”.

(11) For Article 16 substitute-

“Article 16

National electronic register

1. The competent authorities shall keep a national electronic register of road transport undertakings which have been authorised to engage in the occupation of road haulage operator.
2. The data contained in the national register of road transport undertakings and the conditions of access to this data are set out in Appendix 27-A-1-5.”.

(12) After Article 16, insert-

“Article 16A

Administrative cooperation between the competent authorities

1. The competent authorities in each Party shall designate a national contact point responsible for the exchange of information with the competent authorities of the other Party with regard to the application of this Article.
2. The competent authorities in each Party shall cooperate closely and shall swiftly provide one another with mutual assistance and with any other relevant information in order to facilitate the implementation and enforcement of this Article.
3. The competent authorities in each Party shall carry out individual checks to verify whether an undertaking meets the conditions governing admission to the occupation of road haulage operator whenever a competent authority in the other Party so requests in duly justified cases, and it shall inform the competent authority in the other Party of the results of such checks and of the measures taken if it is established that the undertaking no longer fulfils the requirements laid down in this Article.
4. The competent authorities in each Party shall exchange information on convictions and penalties for any serious infringements referred to in Article 6(2).
5. The detailed rules on the modalities of the exchange of information referred to in paragraphs 3 and 4 are set out in Appendix 27-A-1-5.”.

(13) For Annex I substitute –

“Appendix 27-A-1-2

**LIST OF SUBJECTS
REFERRED TO IN ARTICLE 8 OF PART A OF ANNEX 27**

The knowledge to be taken into consideration for the official recognition of professional competence by the Parties must cover at least the subjects listed below. In relation to those subjects, applicant road transport operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

The minimum level of knowledge, as indicated below, must correspond at least to the level of knowledge acquired during the course of compulsory education, which is supplemented either by vocational training and supplementary technical training or by secondary school or other technical training.

A. Civil law

The applicant must, in particular:

- (a) be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;
- (b) be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;
- (c) be able to consider a claim by the applicant's principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects the applicant's contractual liability; and
- (d) be familiar with the rules and obligations arising from the CMR Convention on the Contract for the International Carriage of Goods by Road, done in Geneva on 19 May 1956.

B. Commercial law

The applicant must, in particular:

- (a) be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, record keeping, etc.) and the consequences of bankruptcy; and
- (b) have appropriate knowledge of the various forms of commercial companies and the rules governing their constitution and operation.

C. Social law

The applicant must, in particular, be familiar with the following:

- (a) the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);
- (b) the employers' social security obligations;
- (c) the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the Parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
- (d) the rules applicable to driving time, rest periods and working time, and the practical measures for applying those provisions; and

- (e) the rules applicable to the initial qualification and continuous training of drivers laid down in Section 1 of Part B of Annex 27.

D. Fiscal law

The applicant must, in particular, be familiar with the rules governing:

- (a) value added tax (“VAT”) on transport services;
- (b) motor-vehicle tax;
- (c) the taxes on certain road haulage vehicles and tolls and infrastructure user charges; and
- (d) income tax.

E. Business and financial management

The applicant must, in particular:

- (a) be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or methods of payment;
- (b) be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and the charges and obligations arising therefrom;
- (c) know what a balance sheet is, how it is set out and how to interpret it;
- (d) be able to read and interpret a profit and loss account;
- (e) be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;
- (f) be able to prepare a budget;
- (g) be familiar with the cost elements of the undertaking (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;
- (h) be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;
- (i) be familiar with the principles of marketing, publicity and public relations, including transport services, sales promotion and the preparation of customer files, etc.;

- (j) be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and the guarantees and obligations arising therefrom;
- (k) be familiar with the applications of electronic data transmission in road transport;
- (l) be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms; and
- (m) be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status.

F. Access to the market

The applicant must, in particular, be familiar with the following:

- (a) the occupational regulations governing road transport, industrial vehicle rental and subcontracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for road transport operations, inspections and penalties;
- (b) the rules for setting up a road transport undertaking;
- (c) the various documents required for operating road transport services and the introduction of checking procedures to ensure that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;
- (d) the rules on the organisation of the market in road haulage services, as well as the rules on freight handling and logistics; and
- (e) border formalities, the role and scope of TIR documents and TIR carnets, and the obligations and responsibilities arising from their use.

G. Technical standards and technical aspects of operation

The applicant must, in particular:

- (a) be familiar with the rules concerning the weights and dimensions of vehicles in the Parties and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;
- (b) be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;

- (c) be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;
- (d) understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;
- (e) be able to draw up periodic maintenance plans for the vehicles and their equipment;
- (f) be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);
- (g) be familiar with the various techniques of "piggy-back" and roll-on roll-off combined transport;
- (h) be able to implement procedures to comply with the rules on the carriage of dangerous goods and waste;
- (i) be able to implement procedures to comply with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) done at Geneva on 1 September 1970; and
- (j) be able to implement procedures to comply with the rules on the transport of live animals.

H. Road safety

The applicant must, in particular:

- (a) know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);
- (b) be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in the Parties (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);
- (c) be able to draw up instructions for drivers to check their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;

- (d) be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures to prevent the recurrence of accidents or serious traffic offences; and
- (e) be able to implement procedures to properly secure goods and be familiar with the corresponding techniques.

PART II

ORGANISATION OF THE EXAMINATION

1. The Parties will organise a compulsory written examination which they may supplement by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in Part I and in particular their capacity to use the instruments and techniques relating to those subjects and to fulfil the corresponding executive and coordination duties.
 - (a) The compulsory written examination will involve two tests, namely:
 - (i) written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems; and
 - (ii) written exercises/case studies.

The minimum duration of each test will be two hours.

- (b) Where an oral examination is organised, the Parties may stipulate that participation is subject to the successful completion of the written examination.
2. Where the Parties also organise an oral examination, they must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25 % and a maximum of 40 % of the total number of marks to be given.

Where the Parties organise only a written examination, they must provide, in respect of each test, for a weighting of marks of a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.
3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50 % of the total number of marks possible. In one test only, a Party may reduce that mark from 50 % to 40 %.”.

(14) Substitute Annex IV with the following-

“Appendix 27-A-1-1

MOST SERIOUS INFRINGEMENTS FOR THE PURPOSES OF ARTICLE 6(2) OF PART
A OF ANNEX 27

1. Exceeding time limits as follows:
 - (a) exceeding the maximum six-day or fortnightly driving time limits by margins of 25 % or more;
 - (b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more.
2. Not having a tachograph and/or speed limiter, or having in the vehicle and/or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
3. Driving without a valid roadworthiness certificate and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
5. Carrying goods without holding a valid driving licence or carrying by an undertaking not holding a valid operator's licence as referred to in Article 278 of the TGEU.
6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
7. Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.”.

(15) After the new Appendix 27-A-1-1 insert the following –

“Appendix 27A11bis

LIST OF SERIOUS INFRINGEMENTS FOR THE PURPOSES OF ARTICLE 6(2) OF
PART A OF ANNEX 27

The following tables contain categories and types of serious infringements of Annex 27, divided into three categories of seriousness according to their potential to create a risk of fatalities or serious injuries and/or distorting competition in the road transport market: most serious infringement (“MSI”), very serious infringement (“VSI”) and serious infringement (“SI”).

(1) Groups of infringements of Section 2 of Part B of Annex 27, unless stated otherwise.

		LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
				M SI	V SI	S I	
		Driving periods					
1.		Article 4(1) and Appendix 27-A-1-1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	10h ≤ ... < 11h			X
2.				11h ≤ ...		X	
3.			Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X		
4.			Exceed extended daily driving time of 10h if extension allowed	11h ≤ ... < 12h			X
5.				12h ≤ ...		X	
6.			Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X		
7.		Article 4(2) and Appendix 27-A-1-1	Exceed weekly driving time	60h ≤ ... < 65h			X
8.				65h ≤ ... < 70h		X	
9.			Exceed weekly driving time by 25 % or more	70h ≤ ...	X		
10.		Article 4(3) and Appendix 27-A-1-1	Exceed maximum total driving time during 2 consecutive weeks	100h ≤ ... < 105h			X
11.				105h ≤ ... < 112h30		X	

		LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNESS		
					M SI	V SI	S I
12.			Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X		
			Breaks				
13.		Article 5	Exceed uninterrupted driving time of 4,5 hours before taking the break	5h ≤ ... < 6h			X
14.				6h ≤ ...		X	
		Rest Periods					
15.		Article 6 (2)	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	8h30 ≤ ... < 10h			X
16.				... < 8h30		X	
17.			Insufficient reduced daily rest period of less than 9h if reduction allowed	7h ≤ ... < 8h			X
18.				... < 7h		X	
19.			Insufficient split daily rest period of less than 3h + 9h	3h + [7h ≤ ... < 8h]			X
20.				3h + [... < 7h]		X	
21.		Article 6 (5)	Insufficient daily rest period of less than 9h for multi-manning	7h ≤ ... < 8h			X
22.				... < 7h		X	
23.		Article 6 (6)	Insufficient reduced weekly resting period of less than 24h	20h ≤ ... < 22h			X
24.				... < 20h		X	
25.			Insufficient weekly resting period of less than 45h if reduced weekly resting period not allowed	36h ≤ ... < 42h			X
26.				... < 36h		X	
27.			Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	3h ≤ ... < 12h			X
28.				12h ≤ ...		X	

		LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
				MSI	VSI	SI
29.		Article 6 (7)	No compensation rest for two consecutive reduced weekly rest periods		X	
30.		Article 6 (9)	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle		X	
31.			The employer not covering costs for accommodation outside the vehicle			X
Work organisation						
32.		Article 6 (10)	Transport undertaking not organising the work of drivers in such a way that the drivers are able to return to the employer's operational centre, or to return to the drivers' place of residence		X	
33.		Article 7 (1)	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried		X	
34.		Article 7 (2)	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X	

(2) Groups of infringements of Section 4 of Part B and Section 2 of Part C of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Installation of tachograph					
1.	Articles 3 and 5 of Section 2 of Part C and Appendix 27-A-1-1	Not having type-approved tachograph installed and used	X		

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Use of tachograph, driver card or record sheet					
2.	Article 6(1) of Section 2 of Part C	Using a tachograph not inspected by an approved workshop		X	
3.	Article 3 of Section 4 of Part B and Appendix 27-A-1-1	Driver holding and/or using more than one own driver card		X	
4.		Driving with a driver card that has been falsified (considered as driving without driver card)	X		
5.		Driving with a driver card of which the driver is not the holder (considered as driving without driver card)	X		
6.		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents (considered as driving without driver card)	X		
7.	Article 7(1) of Section 4 of Part B and Article 15(1) of Section 2 of Part C	Tachograph not correctly functioning (e.g.: tachograph not properly inspected, calibrated and sealed)		X	
8.		Tachograph improperly used (e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)		X	
9.	Article 7(2) of Section 4 of Part B and Appendix 27-A-1-1	Having in the vehicle and/or using a fraudulent device able to modify the records of the tachograph	X		
10.		Falsifying, concealing, supressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
11.	Article 15(2) of Section 2 of Part C	Undertaking not keeping record sheets, printouts and downloaded data		X	
12.		Recorded and stored data not available for at least a year		X	
13.		Incorrect use of record sheets/driver card		X	

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
14.	Article 6(1) of Section 4 of Part B	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
15.		Record sheet or driver card used to cover a period longer than that for which it is intended, and data is lost		X	
16.	Article 6(2) of Section 4 of Part B	Use dirty or damaged record sheets or drivers card and data not legible		X	
17.	Article 6(3) of Section 4 of Part B	Not using manual input when required to do so		X	
18.	Article 6(4) of Section 4 of Part B	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
19.	Article 6(5) of Section 4 of Part B	Incorrect use of switch mechanism		X	
Producing information					
20.	Article 6(5), point (b)(v) of Section 4 of Part B	Incorrect use or non-use of the ferry/train sign			X
21.	Article 6(6) of Section 4 of Part B	Required information not entered on the record sheet		X	
22.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
23.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
24.	Article 10 of Section 4 of Part B	Refusing to be checked		X	
25.		Unable to produce manual records and printouts made during the current day and the previous 56 days		X	
26.		Unable to produce a driver card, if the driver holds one		X	
Malfunctioning					

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
27.	Article 16(1) and Article 5(1) of Section 2 of Part C	Tachograph not repaired by an approved fitter or workshop		X	
28.	Article 11 of Section 4 of Part B	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X	

(3) Groups of infringements of Section 3 of Part B of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Maximum weekly working time						
1.	Article 3	Exceeding maximum weekly working time of 48h if possibilities to extend to 60h already consumed	$56h \leq \dots 60h$			X
2.			$60h \leq \dots$		X	
3.		Exceeding maximum weekly working time of 60h if no derogation under Article 7 granted	$65 \leq \dots < 70h$			X
4.			$70h \leq \dots$		X	
Breaks						
5.	Article 4	Insufficient obligatory break taken when working time between 6 and 9 hours	$10 < \dots \leq 20 \text{ min}$			X
6.			$\dots \leq 10 \text{ min}$		X	
7.		Insufficient obligatory break taken when working time over 9 hours	$20 < \dots \leq 30\text{min}$			X
8.			$\dots \leq 20 \text{ min}$		X	
Night work						
9.	Article 6	Daily working time in each 24h when night work performed if no derogation under Article 7 granted	$11h \leq \dots < 13h$			X
10.			$13h \leq \dots$		X	
Records						

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
11.	Article 8	Employers falsifying working time records or refusing to provide records to inspection officer		X	
12.		Employed/self-employed drivers falsifying records or refusing to provide records to inspection officer		X	

(4) Groups of infringements against Section 1 of Part C of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Weights						
1.	Article 1 and Appendix 27-A-1-1	Exceed maximum permissible weights for N3 vehicles	$5 \% \leq \ldots < 10 \%$			X
2.			$10 \% \leq \ldots < 20 \%$		X	
3.			$20 \% \leq \ldots$	X		
4.		Exceed maximum permissible weight for N2 vehicles	$5 \% \leq \ldots < 15 \%$			X
5.			$15 \% \leq \ldots < 25 \%$		X	
6.			$25 \% \leq \ldots$	X		
Lengths						
7.	Article 1	Exceed maximum permissible length	$2 \% < \ldots < 20 \%$			X
8.			$20 \% \leq \ldots$		X	
Width						
9.	Article 1	Exceed maximum permissible width	$2,65 \leq \ldots < 3,10 \text{ metres}$			X
10.			$3,10 \text{ metres} \leq \ldots$		X	

(5) Groups of infringements of rules on technical roadside inspection

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Roadworthiness					
1.	Annex 27, Part A, Article 6(1)(b)(iv) and Appendix 27-A-1-1	Driving without a valid proof of roadworthiness tests passed, as required by the Union and the law of the United Kingdom, in respect of Gibraltar	X		
2.		Not keeping a vehicle in a safe and roadworthy condition resulting in a very serious deficiency of the braking system, the steering linkages, the wheels/tyres, the suspension or chassis or other equipment that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle	X		

(6) Groups of infringements of rules on speed limitation devices

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(vii)	Speed limitation device not fitted	X		
2.		Speed limitation device not satisfying the applicable technical requirements		X	
3.		Speed limitation device not fitted by an approved workshop			X
4.		Having and/or using a fraudulent device able to falsify data of speed limitation device or having and/or using a fraudulent speed limitation device	X		

(7) Groups of infringements of Section 1 of Part B of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Training and Licence					
1.	Article 3	Carrying goods without a compulsory initial qualification and/or compulsory periodic training		X	
2.	Article 9 and Appendix 27-B-1-2	Driver unable to present the valid qualification card or the driving licence with the marking, as required by the national law (e.g.: lost, forgotten, damaged, unreadable)			X

(8) Groups of infringements of driving licence requirements

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(viii) and Appendix 27-A-1-1	Carrying goods without holding a valid driving licence	X		
2.		Using a driving licence which is damaged or unreadable or not in line with common model			X

(9) Groups of infringements of rules on the transport of dangerous goods by road

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(vi) and Appendix 27-A-1-1	Transporting dangerous goods that are prohibited for transport	X		
2.		Transporting dangerous goods in a prohibited or non-approved means of containment, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
3.		Transporting dangerous goods without identifying them on the vehicle as dangerous goods, thus endangering lives or the	X		

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
		environment to such extent that it leads to a decision to immobilise the vehicle			
4.		Leakage of dangerous substances		X	
5.		Carriage in bulk in a container which is not structurally serviceable		X	
6.		Carriage in a vehicle without an appropriate certificate of approval		X	
7.		Vehicle no longer complies with the approval standards and presents an immediate danger		X	
8.		The rules governing the securing and stowage of the load have not been complied with		X	
9.		The rules governing mixed loading of packages have not been complied with		X	
10.		The provisions limiting the quantities carried in one transport unit have not been complied with, including permissible degrees of filling tanks or packages;		X	
11.		Information relevant to the substance being carried enabling determination of level of seriousness of offence is missing (e.g. UN number, proper shipping name, packing group)		X	
12.		Driver does not hold a valid vocational training certificate		X	
13.		Fire or an unprotected light is being used		X	
14.		The ban on smoking is not being observed.		X	
15.		The vehicle is not properly supervised or parked			X
16.		The transport unit comprises more than one trailer/semi-trailer			X
17.		Vehicle no longer complies with the approval standards but does not present an immediate danger			X
18.		The vehicle is not carrying operational fire extinguishers as required			X

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
19.		The vehicle does not carry the equipment required in the ADR or in the instructions in writing			X
20.		Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried			X
21.		Carriage of packaged goods in a container which is not structurally serviceable			X
22.		Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly			X
23.		Incorrect labelling, marking or placarding on the vehicle and/or containment			X
24.		There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried			X

(10) Groups of infringements of Chapter 2 of Title III of Part Three of the TGEU, unless stated otherwise

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Licence					
1.	Article 278(1) and Appendix 27-A-1-1	Carrying goods without holding a valid licence (i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.)	X		
2.	Article 278(3)	The haulage undertaking or the driver unable to present a valid licence or a valid certified true copy of the licence to the inspecting officer (i.e.: licence or certified true copy of the licence lost, forgotten, damaged, etc.)		X	
Driver attestation					

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MS I	VS I	SI
3.	Annex 27, Part A, Article 6(1)(b)(v)	Drivers carrying goods without holding a valid driver attestation (i.e. driver's attestation is non-existent, falsified; withdrawn, expired, etc.)		X	
4.	Annex 27, Part A, Article 6(1)(b)(v)	The driver or the haulage undertaking unable to present a valid driver attestation or a valid certified true copy of the driver attestation to the inspecting officer (i.e. driver attestation or certified true copy of the driver attestation lost, forgotten, damaged, etc.)			X
Specific transport operations allowed under the TGEU					
5.	Article 277	Carrying out cabotage or other transport operations not in compliance with the laws, regulations and administrative provisions, including limitations on the number of journeys, in force in the host Party.		X	

(11) Groups of infringements of rules on animal transport

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(x)	Partitions are not strong enough to withstand the weight of animals		X	
2.		Using loading or unloading ramps that have slippery surfaces, that lack lateral protections or that are too steep			X
3.		Using lifting platforms or upper floors that do not have safety barriers preventing animals from falling or escaping during loading and unloading operations			X
4.		Means of transport not approved for long journeys, or not approved for the type of animals being transported.			X

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
5.		Transporting without valid required documentation, journey log or transporter authorisation or certificate of competence			X

(12) Groups of infringements of laws applicable to contractual obligations

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(xii)	Violation of the law applicable to contractual obligations		X	

Degrees of seriousness of serious infringements

- (1) The degrees of seriousness of infringements shall be serious (“SI”), very serious (“VSI”) and most serious (“MSI”).

- (2) Serious and very serious infringements, when committed repeatedly by the same operator, shall be regarded as more serious by the competent authority in the Party of establishment. When calculating the frequency of occurrence of repeated infringements, the competent authorities in the Party shall take into account the following factors:-

The seriousness of the infringements (SI or VSI);

- Time (at least one rolling year from the date of a control);
- Number of vehicles used for the transport activities managed by the transport manager (average per year).

- (3) Taking into account the potential of creating a risk to road safety, the maximum frequency of serious infringements beyond which they should be considered as more serious shall be established as follows:

- three SI per vehicle and per year = one VSI;
- three VSI per vehicle and per year = launch of a national procedure on good repute.

- (4) The number of infringements per vehicle per year is an average figure calculated by dividing the total number of all infringements of the same level of seriousness (SI or VSI) by the average number of vehicles used during the year. The frequency formula provides for a maximum threshold for occurrence of serious infringements beyond which they shall be considered more serious. Competent authorities in the Parties may establish stricter thresholds if envisaged in their national administrative procedure for assessing good repute.

Appendix 27-A-1-5

Part 1

Data contained in the national electronic registers of road transport undertakings and the conditions of access to this data

1. The national electronic registers referred to in Article 13(1) of Part A of Annex 27 to the TGEU shall contain at least the following data-
 - (a) the name and legal form of the road transport undertaking;
 - (b) the address of its establishment;
 - (c) the names of the transport managers designated as meeting the requirements laid down in Article 3 of Section 1 of Part A of Annex 27 to the TGEU relating to good repute and professional competence or, as appropriate, the name of a legal representative;
 - (d) the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the licence referred to in Article 278(1) of the TGEU and of the certified true copies;
 - (e) the number, category and type of serious infringements, as referred to in Article 6(2) of Section 1 of Part A of Annex 27 to the TGEU, which have resulted in a conviction or penalty during the last two years;
 - (f) the name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(4) of Section 1 of Part A of Annex 27 to the TGEU, and the rehabilitation measures applicable;
 - (g) the registration numbers of the vehicles at the disposal of the undertakings pursuant to Article 5(f) of Section 1 of Part A of Annex 27 to the TGEU ; and
 - (h) the risk rating band of the undertaking pursuant to the law and/or procedures applicable in each Party.

2. The data referred to in points (a) to (d) of paragraph 1 shall be publicly accessible, in accordance with the relevant provisions of the law on personal data protection applicable in each Party.

The Minister may choose to keep the data referred to in points (e) to (h) of paragraph 1 in separate registers. In such cases, the data referred to in points (e) and (f) of paragraph 1 shall be made available upon request or shall be directly accessible to all the competent authorities of the Party in question. The requested information shall be provided within five working days of receipt of the request.

The data referred to in points (g) and (h) of paragraph 1 shall be made available to the competent authorities during roadside checks.

The data referred to in points (e) to (h) of paragraph 1 shall only be accessible to authorities other than the competent authorities where those authorities are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to secrecy or are otherwise under a formal obligation of secrecy.

3. Data concerning an undertaking whose authorisation has been suspended or withdrawn shall remain in the national electronic register for two years from the expiry of the suspension or the withdrawal of the licence and shall thereafter be immediately removed.

Data concerning any person declared to be unfit for the occupation of road haulage operator shall remain in the national electronic register as long as the good repute of that person has not been re-established pursuant to Article 6(4) of Section 1 of Part A of Annex 27 to the TGEU. Where such a rehabilitation measure or any other measure having an equivalent effect is taken, the data shall be immediately removed.

The data referred to in the first and second subparagraphs shall specify the reasons for the suspension or withdrawal of the authorisation or the declaration of unfitness, as appropriate, and the corresponding duration.

4. The Parties shall take all necessary measures to ensure that all the data contained in the national electronic register are kept up to date and are accurate.

Part 2

Minimum requirements for the data to be entered in the national electronic register of road transport undertakings

1. The minimum requirements for the data to be entered in the national electronic registers established by competent authorities in each Party in accordance with Article 13 of Part A of Annex 27 of the TGEU shall be as set out in the Annex to

the Commission Decision 2009/992/EU and in Article 1 of the Commission Implementing Decision (EU) 2024/2164 as amended in the following paragraphs.

2. For the purposes of this Appendix, the following amendments to the Annex in Commission Decision 2009/992/EU shall apply-
 - (a) all references to “Member State” is replaced by “Country”;
 - (b) all references to ‘Community licence’, wherever they occur, are replaced by ‘licence referred to in Article 278(1) of the TGEU’;
 - (c) in respect of Gibraltar, the following fields are not required-
 - (i) “Number of people employed”; and
 - (ii) “Risk rating.”;
 - (d) for “Article 16(2)(c), of Regulation (EC) No 1071/2009” substitute “point (c) of Part 1 of Appendix 27-A-1-5 of Annex 27 to the TGEU”; and
 - (e) the data item “Country of Registration of the Vehicle” referred to in Article 1 of Commission Implementing Decision (EU) 2024/2164 shall, in the case of the United Kingdom, be set by default to “GI”.

Part 3

Modalities for the exchange of information referred to in Article 14(3) and (4) of Part A of Annex 27

1. The Government of Gibraltar and the Member States of the Union shall use the European Registers of Road Transport Undertakings (ERRU), established by Commission Implementing Regulation (EU) 2016/480, for the exchange of information referred to in Article 14(3) and (4) of Part A to Annex 27.
2. The competent authority shall carry out the interconnection of its national electronic register to ERRU in accordance with the procedures and technical requirements laid down in Regulation (EU) 2016/480 as adapted by Part 4 of this Appendix.
3. Each Party shall ensure that the processing of personal data in the context of this Appendix is carried out solely for the purpose of verifying compliance with Chapter 2 of Title III of Part Three of the TGEU and with Annex 27 of the TGEU.
4. The Government of Gibraltar, and each Member State of the Union shall designate an ERRU contact point responsible for the exchange of information with the other Party with regard to the application of this Appendix.

Part 4

Adaptations to the technical specifications of ERRU

For the purposes of this Appendix, the following amendments to Regulation (EU) 2016/480 apply-

1. References to “Member State”, wherever they occur, shall be taken as references to “Country”, and references to “Member States”, wherever they occur, shall be taken as references to “Countries.”
2. References to “this Regulation”, “Annexes I to VII to this Regulation” and “Annex VIII to this Regulation”, wherever they occur, shall be taken as references to “Appendix 27-A-1-5 of Annex 27 to the TGEU.”
3. The references to “Community licence”, wherever they occur, shall be taken as references to “licence referred to in Article 278(1) of the TGEU.”
4. In Articles 1 to 3 for “Article 16 of Regulation (EC) No 1071/2009” and “Article 16(5) of Regulation (EC) No 1071/2009”, substitute “Appendix 27-A-1-5 of Annex 27 to the TGEU.”
5. In Article 2, for “Article 2 of Regulation (EC) No 1071/2009” substitute “Article 2 of Part A of Annex 27 to the TGEU.”
6. In Article 2, point (e), for “Article 8(8) of Regulation (EC) No 1071/2009” substitute “Article 280 of the TGEU.”
7. Articles 6 and 7 shall not be applicable for the purpose of this Appendix;
8. In point 1.3 of Annex II-
 - (a) for “risk rating and risk rating band” substitute “risk rating band”; and
 - (b) the reference to “number of employees” is deleted.
9. In the Appendix to Annex III-
 - (a) the following fields shall not be contained in a Check Transport Undertaking Data Response message-

“Number of People Employed”; and “Risk Rating”;
 - (b) for ‘Annex IV to Regulation (EC) No 1071/2009 and Annex I to Commission Regulation No (EU) 2016/403’, substitute “Appendix 27-A-1-1 and Appendix 27A11bis of Annex 27 to the TGEU.”

10. In Section 1 of Annex VIII, for “Article 11(4) of Regulation (EC) No 1071/2009”, substitute “Article 12(2) of Part A of Annex 27 of the TGEU.”
11. In Section 2.1 of Annex VIII, for “Directive 2006/22/EC or in Regulation (EC) No 1071/2009” substitute “Appendix 27-A-1-1 and Appendix 27A11bis of Annex 27 to the TGEU.”

Part 5

—

Suspension of Gibraltar connection to ERRU

The Union may suspend the access of Gibraltar to ERRU if Gibraltar ceases to meet the conditions set out in this Appendix.”.

- (16) Substitute any references to “Annex IV” with “Appendix 27-A-1-1”.

Amendment of Regulation (EC) 561/2006

7.(1) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport is amended in accordance with this regulation.

- (2) For Article 1 substitute-

“Article 1

1. This Regulation lays down the rules on driving time, breaks and rest periods for drivers referred to in point (b) of Article 280 of the TGEU undertaking journeys referred to in Articles 276 and 277 of the TGEU.
2. Where a driver undertakes a journey referred to in Articles 276 or 277 of the TGEU, the rules in this Section apply to any road transport operation undertaken by that driver.
3. This Regulation applies-
 - (a) where the maximum permissible mass of the vehicle, including any trailer, or semitrailer, exceeds 3.5 tonnes; or
 - (b) from 1 July 2026, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2.5 tonnes.
4. This Regulation does not apply to transport by-
 - (a) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for-

- (i) carrying materials, equipment or machinery for the driver's use in the course of the driver's work; or
- (ii) for delivering goods which are produced on a craft basis, only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity and transport is not carried out for hire or reward;
- (b) vehicles with a maximum authorised speed not exceeding 40 km/h;
- (c) vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the transport is undertaken as a consequence of the tasks assigned to those services and is under their control;
- (d) vehicles used in emergencies or rescue operations;
- (e) specialised vehicles used for medical purposes;
- (f) specialised breakdown vehicles operating within a 100 km radius of their base;
- (g) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- (h) vehicles with a maximum permissible mass, including any trailer, or semi-trailer exceeding 2.5 tonnes but not exceeding 3.5 tonnes that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle; or
- (i) commercial vehicles, which have a historic status according to the legislation of the Member State in which they are being driven and which are used for the non-commercial transport of goods.”.

(3) In Article 2, after paragraph 3 insert –

“3A. For vehicles-

- (a) put into service for the first time before 1 May 2006, an analogue tachograph shall be used;
- (b) for vehicles put into service for the first time between 1 May 2006 and 30 September 2011, the first version of the digital tachograph must be used;

- (c) put into service for the first time between 1 October 2011 and 30 September 2012, the second version of the digital tachograph must be used;
 - (d) for vehicles put into service for the first time between 1 October 2012 and 14 June 2019, the third version of the digital tachograph shall be used;
 - (e) for vehicles registered for the first time from 15 June 2019 and until two years after the entry into force of the detailed specifications referred to in Article 2(2)(h) of Section 4 of Part B of Annex 27, a smart tachograph 1 must be used; and
 - (f) for vehicles registered for the first time more than two years after the entry into force of the detailed specifications referred to in Article 2(2)(h) of Section 4 of Part B of Annex 27, a smart tachograph 2 shall be used.
- 3B. Each Party may exempt from the application of paragraph 3A. the vehicles mentioned in Article 8(3) of Section 2 of Part B of Annex 27.
- 3C. Each Party may exempt from the application of paragraph 3A. vehicles used for transport operations which have been granted an exemption in accordance with Article 8(4) of Section 2 of Part B of Annex 27.
- 3D. Each Party shall immediately notify each other when applying paragraph 3B or 3C.
- 3E. No later than three years from the end of the year of entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in point (a) of paragraph 1 which are equipped with an analogue tachograph or a digital tachograph shall be fitted with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.
- 3F. No later than four years after the entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in point (a) of paragraph 1 equipped with a smart tachograph 1, shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.
- 3G. From 1 July 2026, vehicles mentioned in point (b) of paragraph 1 shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.
- 3H. Nothing in this Article shall affect the application on the Union territory of the Union rules on recording equipment in road transport to Union road transport operators.

- 3I. Each Party shall ensure that the processing of personal data in the context of this Section is carried out solely for the purpose of verifying compliance with this Article.
- 3J. Each Party shall, in particular, ensure that personal data are protected against uses other than the one strictly referred to in paragraph 1 in relation to:
- (a) the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in the technical specification for smart tachograph 1 and smart tachograph 2;
 - (b) the electronic exchange of information on driver cards as referred to in Article 13 of Section 2 of Appendix 27-C-1-1 of Annex 27, and in particular any cross-border exchanges of such data with third parties; and
 - (c) the keeping of records by road transport operators as referred to in Article 15 Section 2 of Appendix 27-C-1-1 of Annex 27.
- 3K. Digital tachographs shall be designed in such a way as to ensure privacy, and only data necessary for the purposes referred to in paragraph 1 shall be processed.
- 3L. Owners of vehicles, road transport operators and any other entity concerned shall comply with the relevant provisions on the protection of personal data.”.

(4) In Article 4, substitute the definition of “other work” in point (e)-

““other work” means all activities which are defined as working time in point (a) of Article 2(1) of Section 3 of Part B of Annex 27;”.

(5) In Article 5, for paragraph 2 substitute-

- “(2) The minimum age for drivers' mates shall be 18 years. However, each Party and, in the case of the Union, a Member State may reduce the minimum age for drivers' mates to 16 years, provided that the reduction is for the purposes of vocational training and there is compliance with the limits imposed by Gibraltar, for the Union, the Member State's national rules on employment matters.”.

(6) In Article 6(2) substitute “laid down in the Road Transport (Working Time) Regulations 2005” for “of 60 hours”.

(7) In Article 8-

(a) in paragraph 6-

- (i) substitute the full stop in subparagraph (b) with-
“; or”;
- (ii) insert after subparagraph (b)-
“(c) two regular weekly rest periods.”;
- (iii) substitute “By way of derogation from the first subparagraph” with “By way of derogation from subparagraphs (b) and (c)”;
- (iv) after “outside the Member State of establishment” add “ or outside the territory of the Party of the road transport operator,”;
- (v) after “Member State of the employer’s establishment and the country of the drivers’ place of residence” insert, “, or the territory of the Party of the road transport operator and driver’s place of residence.”;

(b) in paragraph 8a., insert “in Gibraltar or” before “in the Member State”.

(8) In Article 10-

(a) in paragraphs 1, 4 and 5, substitute “transport undertaking” for “road transport operator”;

(b) for paragraph 2 substitute-

- “2. A road transport operator of a Party shall organise road transport operations and properly instruct crew members so that they are able to comply with the provisions of this Article.”;

(c) after paragraph 2 insert-

- “2A. A road transport operator of a Party shall be liable for infringements committed by drivers of the operator, even if the infringement was committed on the territory of the other Party. Without prejudice to the right of the Parties, to hold road transport operators fully liable, the Parties may make this liability conditional to the operator’s infringement of paragraphs 1 and 2. The Parties may consider any evidence that the road transport operator cannot reasonably be held responsible for the infringement committed.”;

(d) after paragraph 5 insert-

“6. A road transport operator which uses vehicles that are fitted with “digital tachographs”, “smart tachographs 1” and “smart tachographs 2”, and that fall within the scope of this Article shall-

- (a) ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Party and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that road transport operator are downloaded; and
- (b) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible either directly or remotely, from the premises of the road transport operator, and

for the purposes of this paragraph “downloaded” shall be interpreted in accordance with the definition in point (g) of Article 2 (2) of Section 2 Part C of Annex 27.

- (7) The maximum period within which the relevant data shall be downloaded under paragraph 6(a) shall be 90 days for data from the vehicle unit and 28 days for data from the driver card.”.

(9) In Article 12, after the last paragraph insert-

“Provided that road safety is not thereby jeopardised, each Party and, in the case of the Union, a Member State may grant exceptions from Articles 5 to 9 and make such exceptions subject to individual conditions on its own territory or, with the agreement of the other Party, on the territory of the other Party, applicable to transport by the following:

- (a) vehicles owned or hired, without a driver, by public authorities to undertake transport by road which do not compete with private road transport operators;
- (b) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;
- (c) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100 km from the base of the undertaking which owns, hires or leases the vehicle;
- (d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used by universal service providers to deliver items

as part of the universal service. Those vehicles shall be used only within a 100 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;

- (e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not linked to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles;
- (f) vehicles used for the transport of goods within a 100 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi -trailer, does not exceed 7.5 tonnes;
- (g) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door -to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;
- (h) specialised vehicles transporting circus and funfair equipment;
- (i) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;
- (j) vehicles used for milk collection from farms and/or for the return to farms of milk containers or milk products intended for animal feed;
- (k) specialised vehicles transporting money and/or valuables;
- (l) vehicles used for carrying animal waste or carcasses which are not intended for human consumption;
- (m) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals;
- (n) vehicles used for the transport of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 100 km;
- (o) vehicles or combinations of vehicles carrying construction machinery for a construction undertaking, up to a radius of 100 km from the base of the undertaking, provided that driving the vehicles does not constitute the driver's main activity; and
- (p) vehicles used for the delivery of ready -mixed concrete.

Provided that working conditions of drivers and road safety are not thereby jeopardised and that the limits set out in Article 3 of Section 3 of Part B

of Annex 27 are complied with, a Party, and in the case of the Union, a Member State, may grant temporary exceptions from the application of Articles 5 to 9 of this Regulation to transport operations carried out in exceptional circumstances, in accordance with the procedure applicable in the Party.

The temporary exceptions shall be duly reasoned and notified immediately to the other Party. The Specialised Committee on Economy and Trade shall specify the modalities of that notification. Each Party shall immediately publish that information on a public website and shall ensure that its enforcement activities take into account an exception granted by the other Party.”.

Amendment of Regulation (EU) No 165/2014

8.(1) Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport is amended in accordance with this regulation.

(2) In Article 1, after paragraph 2 insert –

“3. This Article lays down requirements for drivers falling within the scope of Section 2 of Part B of Annex 27 of the TGEU.”.

(3) In Article 2(2)-

(a) for the definition in point (g) substitute –

“(g) “analogue tachograph” means a tachograph complying with the specifications in Annex 1 to this Regulation as amended by Appendix 27-B-4-1 in Annex 27 of the TGEU”;

(b) for the definition in point (h) substitute –

“(h) “digital tachograph” means a tachograph complying with one of the following set of specifications, as amended by Appendix 27-B-4-2-

- (i) Annex 1B to Regulation (EEC) No 3821/85 as applicable until 30 September 2011;
- (ii) Annex 1B to Regulation (EEC) No 3821/85 as applicable as from 1 October 2011; or
- (iii) Annex 1B to Regulation (EEC) No 3821/85 as applicable from 1 October 2012”;

(c) in point(n), the definition of “downloading”, insert “or smart tachograph” after “digital tachograph”;

(d) in point (zc), substitute the full stop with a semi-colon;

(e) after point (zc) insert-

“(zd) smart tachograph 1” means a tachograph complying with Annex 1C to the Implementing Regulation (EU) 2016/799 as applicable from the 15th June 2019 to 20th August 2023, as amended by Appendix 27-B-4-3 of Annex 27 of the TGEU;

“(ze) smart tachograph 2” means a tachograph complying with Annex 1C to the Implementing Regulation (EU) 2016/799 as amended by Appendix 27-B-4-4 of Annex 27 of the TGEU;”.

(4) In Article 22, for paragraph 3 substitute-

“3. The approved fitter, workshop or vehicle manufacturer shall place a special mark on the seals which it affixes and, in addition, for digital, smart 1 and smart 2 tachographs, shall enter the electronic security data for carrying out authentication checks, and each Party shall keep and publish a register of the marks and electronic security data used and the necessary information related to the electronic security data used.”.

(5) In Article 23, for paragraph 4 substitute-

“4. Inspection reports shall be retained for a minimum period of two years from the time the report was made. Each Party shall decide whether inspection reports are to be retained or sent to the competent authority during that period. In cases where the inspection reports are kept by the workshop, upon request from the competent authority, the workshop shall make available the reports of inspections and calibrations carried out during that period.”.

(6) In Article 26-

(a) after paragraph 7a. insert-

“7b. If such suspension or withdrawal measures are taken by a Party or, in the case of the Union, a Member State other than the issuing Party or, in the case of the Union, other than the issuing Member State, the former shall return the card to the authorities of the Party or, in the case of the Union, the authorities of the Member State which issued it, as soon as possible, indicating the reasons for the withdrawal or suspension. If the return of the card is expected to take longer than two weeks, the suspending or withdrawing Party or, in the case of the Union, the suspending or withdrawing Member State shall inform the issuing Party or, in the case of

the Union, the issuing Member State within those two weeks of the reasons for suspension or withdrawal.”;

(b) after paragraph 8 insert-

“8a. This Article shall not prevent a Party or, in the case of the Union, a Member State from issuing a driver card to a driver who has his normal residence in a part of that Party's territory, to which this Annex does not apply, provided that the relevant provisions of this Section are applied in such cases.”.

(7) In Article 29 –

- (a) in paragraph 2, after “declared to the competent authority” insert, “of the State where the theft occurred”;
- (b) in paragraph 3, substitute “competent authority” for “competent authorities in the issuing Party and to the competent authorities in the Party of the driver’s normal residence, if that is different.”.

(8) For Article 30 substitute –

“Article 30

Mutual acceptance of driver cards

1. Each Party shall accept the driver cards issued by the other Party.
2. Where the holder of a valid driver card issued by a Party has established his normal residence in the other Party and has asked for his card to be exchanged for an equivalent driver card, it shall be the responsibility of the Party or, in the case of the Union, the Member State which carries out the exchange to verify whether the card produced is still valid.
3. Parties or, in the case of the Union, Member States carrying out an exchange shall return the old card to the authorities of the issuing Party or, in the case of the Union, the issuing Member State and indicate the reasons for so doing.
4. Where a Party or, in the case of the Union, a Member State replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or exchange, shall be registered in that Party or, in the case of the Union, in that Member State.”.

(9) In Article 33-

- (a) in paragraph 1, in the first subparagraph insert “, smart” after “digital”;

(b) in paragraph 1, in the second and third subparagraphs, for “control officer” substitute “enforcement officer”;

(c) after paragraph 2, insert-

“3. Road transport operators shall be liable for infringements of Section 2 (Requirements for Tachographs, Drivers’ Cards and Workshop Cards) in Annex 27, and of Section 4 (Use of Tachographs by drivers) of Part B of Annex 27, committed by their drivers or by drivers at their disposal.

4. For the purposes of paragraph 3, each Party may make such liability conditional on the road transport operator's infringement of the first subparagraph of paragraph 1 of this Article and Article 7(1) and (2) of Section 2 (Driving Times, Breaks and Rest Periods) of Part B of Annex 27.”.

(10) In Article 34-

(a) in paragraph 4, insert “, or smart tachograph 1 or smart tachograph 2” after “digital tachograph”;

(b) in paragraph 5(b)(ii) substitute “point (a) of Article 3 of Directive 2002/15/EC” for –

“point (a) of Article 2 of Section 3, of Part B of Annex 27 of the TGEU”;

(c) in paragraph 5(b)(iii) substitute “point (b) of Article 3 of Directive 2002/15/EC” for-

“point (b) of Article 2 of Section 3 of Part B of Annex 27 of the TGEU”;

(d) in paragraph 5(b)(v) substitute “point (b) of Article 3 of Directive 2002/15/EC” for-

“paragraph 12 of article 6 of Section 2 of Part B of Annex 27 of the TGEU”;

(e) substitute paragraph 6(f) with-

“(f) the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country or territory that the driver enters after crossing a border of a Member State and of Gibraltar, at the beginning of the driver’s first stop in that Member State or Gibraltar. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.”;

(f) after paragraph 6(f) insert-

- “7. The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country or territory that the driver enters after crossing a border of a Party, or in the case of the Union, a Member State at the beginning of the driver's first stop in that Party, or in the case of the Union, the Member State. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival. A Party or, in the case of the Union, a Member State may require drivers of vehicles engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that each Party notifies in advance the other Party about those detailed geographic specifications. It shall not be necessary for drivers to enter the information referred to in the first sentence of the first subparagraph if the tachograph is automatically recording that location data.”.

(11) For Article 36 substitute-

“Article 36

Records to be carried by the driver

1. Where a driver drives a vehicle fitted with an analogue tachograph, the driver shall be able to produce, whenever an authorised control officer so requests:
 - (i) the record sheets for the current day and the preceding 28 days;
 - (ii) the driver card, if one is held; and
 - (iii) any manual records and printouts made during the current day and the previous 28 days.
2. Where the driver drives a vehicle fitted with a digital, a smart 1 tachograph or smart 2 tachograph, the driver shall be able to produce, whenever an authorised control officer so requests:
 - (i) the driver's driver card;
 - (ii) any manual records and printouts made during the current day and the previous 28 days; and
 - (iii) the record sheets corresponding to the same period as that referred to in point (ii) during which the driver drove a vehicle fitted with an analogue tachograph.

3. From 31 December 2024, the period of 28 days referred to in points (i) and (iii) of paragraph 1 and in point (ii) of paragraph 2 shall be replaced by 56 days.
4. An authorised control officer may check compliance with Section 2 of Part B of Annex 27 of the TGEU by analysis of the record sheets, of the displayed, printed or downloaded data which have been recorded by the tachograph or by the driver card or, failing that, of any other supporting document that justifies non-compliance with a provision of that Section.”.

(12) In Article 37, after paragraph 1 insert –

“(1A) Each Party or, in the case of the Union, the Member States shall give the competent authorities power to prohibit the use of the vehicle in cases where the breakdown or faulty operation has not been remedied as provided in paragraph 1 in so far as this is in accordance with the national legislation in the Party concerned.”.

Amendment of Commission Implementing Regulation (EU) 2016/799

9.(1) Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components is amended in accordance with this regulation.

(2) The references in Commission Implementing Regulation (EU) 2016/799 to “Member States” or “Member State of the European Union” are substituted with “Party”.

(3) In Article 1(3) substitute “either Annex I to Regulation (EU) No 165/2014 or Annex IB to Regulation (EU) No 165/2014, as applicable” with-

“Section 4 Part B and Section 2 of Part C of Annex 27 to the TGEU”.

(4) In Article 2-

- (a) substitute “Article 2 of Regulation (EU) No 165/2014” in paragraph 1 with “Section 4 Part B and Section 2 of Part C of Annex 27 to the TGEU”;
- (b) substitute “Article 12(3) of Regulation (EU) No 165/2014” in definition (3) with “Section 4 Part B and Section 2 of Part C of Annex 27 to the TGEU”;
- (c) substitute “Articles 8, 9 and 10 of Regulation (EU) No 165/2014” in definition (7) with “Section 4 Part B and Section 2 of Part C of Annex 27 to the TGEU”.

(5) In Article 4, in paragraph 4 substitute “Article 12 of Regulation (EU) No 165/2014” with “Section 4 Part B and Section 2 of Part C of Annex 27 to the TGEU”.

(6) The references in Commission Implementing Regulation (EU) 2016/799 to “Council Directive 96/53/EC” substitute with “Section 1 of Part C of Annex 27 to the TGEU”.

(7) In Annex IC-

- (a) for “Annex IB to Regulation (EEC) No 3821/85” substitute with “Annex IB to Regulation (EEC) No 3821/85 as adapted by Appendix 27-B-4-2 of Annex 27 of the TGEU”;

- (b) in section 1, paragraph 1 (DEFINITIONS)-

- (i) substitute point (u) with –

- “(u) “effective circumference of the wheels” means:

- the average of the distances travelled by each of the wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of those distances shall be made under standard test conditions as defined under requirement 414 and is expressed in the form 'l = ... mm'. Vehicle manufacturers may replace the measurement of those distances by a theoretical calculation which takes into account the distribution of the weight on the axles, vehicle unladen in normal running order, namely with coolant fluid, lubricants, fuel, tools, spare-wheel and driver. The methods for such theoretical calculation are subject to approval by the competent authority in a Party and can take place only before tachograph activation;”;

- (ii) in point (hh), the reference to “Council Directive 92/6/EEC” is replaced by “the applicable law of each Party”;

- (iii) substitute point (qq) with –

- ““security certification” means the process to certify, by a Common Criteria certification body, that the recording equipment (or component) or the tachograph card under investigation fulfils the security requirements defined in Appendix 10 (Generic security targets);”;

- (iv) in point (uu), substitute “Directive 92/23/EEC” with “UNECE Regulation No 54”;

- (v) footnote 7 to point (vv) is substituted with the following-

- ““Vehicle Identification Number” means a fixed combination of characters assigned to each vehicle by the manufacturer, which consists of two sections: the first, composed of not more than six characters (letters or figures), identifying the general characteristics of the vehicle, in particular the type and model; the second, composed of eight characters of which the first four may be letters or figures and the

other four figures only, providing, in conjunction with the first section, clear identification of a particular vehicle.”;

(vi) in point (yy), substitute the first indent with-

“– installed and used only in M1 and N1 type vehicles as defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3)”;

(vii) point (aaa) is omitted;

(viii) in point (ccc), substitute the definition of “introduction date” with-

“(ccc) ‘introduction date’ means:

(i) the 15 June 2019 for Smart Tachograph 1;

(ii) the 21 February 2024 for Smart Tachograph 2;

As from the 15 June 2019, vehicles-

-shall be fitted with a Smart Tachograph 1 connected to a positioning service based on a satellite navigation system,

-shall be able to communicate data for targeted roadside checks to competent control authorities while the vehicle is in motion,

-and may be equipped with standardised interfaces allowing the data recorded or produced by tachographs to be used in operational mode, by an external device;

As from the 21 February 2024, vehicles-

-shall be fitted with a Smart Tachograph 2 connected to a positioning service based on a satellite navigation system,

-shall be able to communicate data for targeted roadside checks to competent control authorities while the vehicle is in motion,

-and may be equipped with standardised interfaces allowing the data recorded or produced by tachographs to be used in operational mode, by an external device.”;

(ix) for references to “Directive (EU) 2015/719” substitute “Section 1 of Part C of Annex 27 of the TGEU”;

(c) in section 2.1, under the heading “General characteristics”, substitute the last subparagraph of paragraph (7) with –

“This is done in accordance with Article 4 of Section 2 of Part C of Annex 27 to the TGEU.”;

- (d) in section 3.20, under the heading “Output data to additional external devices”, substitute point (201) with-

“The vehicle unit may also be able to output the following data using an appropriate dedicated serial link independent from an optional CAN bus connection (ISO 11898 Road vehicles – Interchange of digital information – Controller Area Network (CAN) for high speed communication), to allow their processing by other electronic units installed in the vehicle:

- current UTC date and time,
- speed of the vehicle,
- total distance travelled by the vehicle (odometer),
- currently selected driver and co-driver activity,
- information if any tachograph card is currently inserted in the driver slot and in the co-driver slot and (if applicable) information about the corresponding cards identification (card number and issuing country).

Other data may also be output in addition to that minimum list.

When the ignition of the vehicle is ON, those data shall be permanently broadcast. When the ignition of the vehicle is OFF, at least any change of driver or co-driver activity and/or any insertion or withdrawal of a tachograph card shall generate a corresponding data output. In the event that data output has been withheld whilst the ignition of the vehicle is OFF, that data shall be made available once the ignition of the vehicle is ON again.

The driver consent shall be required in case personal data are transmitted.”;

- (e) in section 4.1, under the heading “Visible data” -

- (i) in point (229), after the table insert -

“For the United Kingdom, in respect of Gibraltar, the distinguishing sign shall be the GBZ.”;

- (ii) in point (237), for “Article 26.4 of Regulation (EU) No. 165/2014” substitute “Article 9(2) of Section 2 of Part C of Annex 27 of the TGEU”;

- (f) in section 4.4, under the heading “Environmental and electrical specifications”, in point (241) for “Community territory” substitute with “the territory of the Union and of Gibraltar”;
- (g) in section 4.5, under the heading “Data storage”, delete point (246);
- (h) in section 5.2, under the heading “Installation plaque”, substitute the first paragraph in point (397) with-
 - “(397) For M1 and N1 vehicles only, and which are fitted with an adaptor in conformity with Appendix 16 of this Annex and where it is not possible to include all the information necessary, as described in Requirement 396, a second, additional, plaque may be used. In such cases, this additional plaque shall contain at least the last four indents described in Requirement 396.”;
- (i) in section 5.3, under the heading “Sealing”, in point (402) for “according the Article 22(3) of Regulation (EU) No 165/2014” substitute “according to Article 5(3) of Section 2 of Part C of Annex 27 to the TGEU.”;
- (j) in section 6, under the heading “CHECKS, INSPECTIONS AND REPAIRS” substitute the first sentence with –
 - “Requirements on the circumstances in which seals may be removed are defined in Chapter 5.3 of this Annex.”;
- (k) in section 7, under the heading “CARD ISSUING”, at point (424)-
 - (i) after “Member States” insert “and the United Kingdom, in respect of Gibraltar”; and
 - (ii) for “Article 31 of Regulation (EU) No 165/2014” substitute “Article 13 of Section 2 of Part C of Annex 27 to the TGEU”;
- (l) in Appendix 1, in point 2.163 (Tyresize), for “Directive 92/23/EEC 31/03/92 O.J. L129 p.95.” substitute “UNECE Regulation No 54”;
- (m) in Appendix 11 -
 - (i) in point 9.1.4, under the heading “*Equipment Level: Vehicle Units*”, in the first note below CSM_78, for “Regulation (EU) No 581/2010” substitute “Article 7(5) of Section 2 of Part B of Annex 27 to the TGEU”;
 - (ii) in point 9.1.5, under the heading “*Equipment Level: Tachograph Cards*”, in the note below CSM_89, for “Regulation (EU) No 581/2010” substitute “Article 7(5) of Section 2 of Part B of Annex 27 to the TGEU”;
- (n) in Appendix 12 -

- (i) in section 1, under the heading “INTRODUCTION”, omit “The main articles in this Regulation (EU) No 165/2014 driving these requirements are: ‘Article 8 Recording of the position of the vehicle at certain points during the daily working period’, ‘Article 10 Interface with Intelligent Transport Systems’ and ‘Article 11 Detailed provisions for smart tachographs.’”;
- (ii) in section 2, under the heading “SPECIFICATION OF THE GNSS RECEIVER”, in the first subparagraph, substitute “compatibility with the services provided by the Galileo and European Geostationary Navigation Overlay Service (EGNOS) programmes as set out in Regulation (EU) No 1285/2013 of the European Parliament and of the Council” with “compatibility with Satellite Based Augmentation Systems (SBAS)”;
- (o) in Appendix 13, section 1 under the heading “INTRODUCTION”, in the first subparagraph omit “as required in Articles 10 of Regulation (EU) No 165/2014 (*the Regulation*)”;
- (p) in Appendix 14-
 - (i) in section 1 under the heading “INTRODUCTION”, subparagraph 1, omit “as required in Article 9 of Regulation (EU) No 165/2014 (*the Regulation*)”;
 - (ii) section 2, under the heading “SCOPE”, in the second subparagraph omit “, as defined in Article 9 of Regulation (EU) No 165/2014”;
 - (iii) in section 5.2.2, under the heading “*Interpretation of the Data received via the DSRC communication*” at point DSC_26, omit “in accordance with Article 9 of Regulation (EU) No 165/2014”;
- (q) in Appendix 15, in section 2.2 under the heading “Interoperability between VU and cards”, in the first subparagraph substitute “Annex IC to this Regulation” with “Annex IC to this Regulation as adapted by Appendix 27-B-4-4 of Annex 27 to the TGEU”; and
- (r) in Appendix 16, in section 7.2 under the heading “Functional certificate”, in the third column of the table, at point 5.1 substitute “Directive 2006/28/EC” with “UNECE Regulation No 10”.

Traffic (Drivers’ Qualification and Training) Regulations 2008

10.(1) The Traffic (Drivers’ Qualification and Training) Regulations 2008 are amended in accordance with this regulation.

(2) In the long title, after “*Council Directive 2006/103/EC of 20 November 2006,*” insert “*and to implement, in part, Annex 27 of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland,*”;

(3) In regulation 2-

(a) before the definition of “approved training centre” insert-

““Annex 27” means Annex 27 of the TGEU;

“Appendix” refers to a numbered Appendix in Annex 27;”;

(b) after the definition of “approved training centre” insert-

““Article” means-

(a) an Article of the TGEU;

(b) an Article or other provision of Annex 27 (however numbered or described); and

(c) an Article or other provision of an Appendix,

and, in each case, except where the context otherwise requires;”;

(c) substitute the definitions of “EEA State” and “relevant State” for-

““EEA state” has the meaning attributed to it in the Interpretation and General Clauses Act;

“relevant State” means the United Kingdom, a Member State of the European Union and an EEA State; and

“the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026;”.

(4) In regulation 3-

(a) substitute the full stop in subregulation (1)(b) with a semi-colon;

(b) insert after subregulation (1)(b) –

“(c) vehicles for which a driving licence of category C1, C1+E, C or C+E, or a driving licence recognised as equivalent by the Specialised Committee on Economy and Trade, is required.”;

(c) insert after subregulation (1)-

“(1A) For the purposes of these Regulations, any references to the Specialised Committee on Economy and Trade shall have the same meaning as provided in section 17(5) of the Treaty on Gibraltar and the European Union Act 2026.”;

(d) in subregulation (2)(h) insert “and” after the semi-colon;

(e) after subregulation (2)(h) insert-

“(i) used, or hired without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity, except if driving is part of the driver's principal activity or the driving exceeds a distance set in national law from the base of the undertaking which owns, hires or leases the vehicle.”.

(5) In regulation 4-

(a) substitute the full stop in paragraph (b) with a semi-colon;

(b) insert after paragraph (b)-

“(c) drivers who hold a category C1, C1+E, C or C+E licence, or a licence recognised as equivalent by the Specialised Committee on Economy and Trade, issued no later than 10 September 2009.”

(6) In regulation 11-

(a) in subregulation (1) after “as the competent authority sees fit”, insert “or any other model provided that it is recognised as equivalent by the Specialised Committee on Economy and Trade”;

(b) after subregulation (1) insert-

“(1A) The model referred to in subregulation (1)(b) recognised by the Specialised Committee on Economy and Trade as equivalent is the model in Appendix 27- B-1-2 of Annex 27 to the TGEU.”.

(7) Insert after regulation 11 –

“Authorised inspecting officer.

11A. At the request of an inspecting officer, a driver must produce a licence to which regulation 3(1) applies or a qualification card which meets the requirements of regulation 11.”.

(8) Substitute Schedule 1 for the following –

“Appendix 27-B-1-1

MINIMUM QUALIFICATION AND TRAINING REQUIREMENTS

To ensure that the rules governing the transport of goods by road covered by Articles 276 and 277 of the TGEU are as harmonised as possible, the minimum requirements for driver qualification and training as well as the approval of training centres are set out in Sections 1 to 5 of this Appendix. Any other content for this qualification or training may be acceptable provided that it is considered as equivalent by the Specialised Committee on Economy and Trade.

SECTION 1

LIST OF SUBJECTS

The knowledge to be taken into account by the Parties when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category. The minimum level of knowledge may not be less than the level reached during compulsory education, supplemented by professional training.

1. Advanced training in rational driving based on safety regulations
 - 1.1. Objective: to know the characteristics of the transmission system in order to make the best possible use of it: curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox - ratio cover diagrams.
 - 1.2. Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear, and prevent disfunctioning:

limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti -Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.

- 1.3. Objective: ability to optimise fuel consumption:

optimisation of fuel consumption by applying know -how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle's momentum, steady speed, smooth driving style and

appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.

1.4. Objective: ability to anticipate, assess and adapt to risks in traffic:

to be aware of and adapt to different road, traffic and weather conditions, anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to size and weight of the vehicles and vulnerable road users, such as pedestrians, cyclists and powered two wheelers; to identify possible hazardous situations and properly interpret how those potentially hazardous situations may turn into situations where crashes can no longer be averted and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in case the potential hazards should occur.

1.5. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets; main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

2. Application of regulations

2.1. Objective: to know the social environment of road transport and the rules governing it:

maximum working periods specific to the transport industry; principles, application and consequences of the rules related to the driving times and rest periods and those related to the tachograph; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

2.2. Objective: to know the regulations governing the carriage of goods:

transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road -use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international

transport permits, obligations under the CMR Convention on the Contract for the International Carriage of Goods by Road, done in Geneva on 19 May 1956, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

3. Health, road and environmental safety, service, logistics

3.1. Objective: to make drivers aware of the risks of the road and of accidents at work:

types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences.

3.2. Objective: ability to prevent criminality and trafficking in illegal immigrants:

general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3. Objective

ability to prevent physical risks : ergonomic principles; movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4. Objective

awareness of the importance of physical and mental ability : principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

3.5. Objective

ability to assess emergency situations : behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6. Objective :

ability to adopt behaviour to help enhance the image of the company: behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

3.7. Objective :

to know the economic environment of road haulage and the organization of the market : road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

SECTION 2

COMPULSORY INITIAL QUALIFICATION PROVIDED FOR IN POINT (a) OF ARTICLE 3(1) OF SECTION 1 OF PART B OF ANNEX 27

A Party may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section and under Section 3 of this Appendix.

2.1. Option combining both course attendance and a test

Initial qualification must include the teaching of all subjects in the list under Section 1 of this Appendix.

The duration of that initial qualification must be 280 hours.

Each trainee driver must drive for at least 20 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of eight hours of the 20 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

A Party and, in the case of the Union, a Member State may allow part of the training to be delivered by the approved training centre by means of ICT tools, such as e-learning, while ensuring that the high quality and the effectiveness of the training are maintained, and by selecting the subjects where ICT tools can most effectively be deployed. Reliable user identification and appropriate means of control shall be required in such a case.

For the drivers referred to in Article 5(4) of Section 1 of Part B the length of the initial qualification must be 70 hours, including five hours of individual driving.

At the end of that training, the competent authorities in the Parties or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1 of this Appendix.

2.2 Option involving a test

The competent authorities in the Parties or the entity designated by them shall organise the aforementioned theoretical and practical tests to check whether the trainee driver has the level of knowledge required in Section 1 of this Appendix for the subjects and objectives listed there.

(a) The theoretical test shall consist of at least two parts:

- (i) questions including multiple-choice questions, questions requiring a direct answer, or a combination of both; and
- (ii) case studies.

The minimum duration of the theoretical test must be four hours.

(b) The practical test shall consist of two parts:

- (i) a driving test aimed at assessing training in rational driving based on safety regulations. The test must take place, whenever possible, on roads outside built-up areas, on fast roads and on motorways (or similar), and on all kinds of urban highways presenting the different types of difficulties that a driver is liable to encounter. It would be desirable for that test to take place in different traffic density conditions. The driving time on the road must be used optimally in order to assess the candidate in all traffic areas likely to be encountered. The minimum duration of that test must be 90 minutes;
- (ii) a practical test covering at least points 1.5, 3.2, 3.3 and 3.5 of Section 1 of this Appendix. The minimum duration of that test must be 30 minutes.

The vehicle used for the practical test must meet at least the requirements for test vehicles. The practical test may be supplemented by a third test taking place on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night.

The duration of that optional test is not fixed. Should the driver undergo such a test, its duration may be deducted from the 90 minutes of the driving test referred to under point (i), but the time deducted may not exceed 30 minutes.

For the drivers referred to in Article 5(4) of Section 1 of Part B, the theoretical test must be limited to the subjects, referred to in Section 1 of this Appendix,

which are relevant to the vehicles to which the new initial qualification applies. However, such drivers must undergo the whole practical test.

SECTION 3

ACCELERATED INITIAL QUALIFICATION PROVIDED FOR IN ARTICLE 3(2) OF SECTION 1 OF PART B OF ANNEX 27 OF TGEU

Accelerated initial qualification must include the teaching of all subjects in the list in Section 1 of this Appendix. Its duration must be 140 hours.

Each trainee driver must drive for at least 10 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of four hours of the 10 hours of individual driving on special terrain or on a top -of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

The provisions of the fourth paragraph of point 2.1 of Section 2 of this Appendix shall also apply to the accelerated initial qualification.

For the drivers referred to in Article 5(4) of Section 1 of Part B, the length of the accelerated initial qualification must be 35 hours, including two -and-a-half hours of individual driving.

At the end of that training, the competent authorities in the Parties or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1 of this Appendix.

A Party may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section.

SECTION 4

COMPULSORY PERIODIC TRAINING PROVIDED FOR IN POINT (b) OF ARTICLE 3(1) OF SECTION 1 OF PART B OF ANNEX 27

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every five years, given in periods of at least seven hours, which may be split over two consecutive days. Whenever e-learning is used, the approved training centre shall ensure that the proper quality of the training is maintained, including by selecting the subjects where ICT tools

can most effectively be deployed. In particular, the Parties shall require reliable user identification and appropriate means of control.

The maximum duration of the e-learning training shall not exceed 12 hours. At least one of the training course periods shall cover a road safety related subject. The content of the training shall take into account training needs specific to the transport operations carried out by the driver and relevant legal and technological developments and should, as far as possible, take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

A Party and, in the case of the Union, a Member State may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section.

SECTION 5

APPROVAL OF THE INITIAL QUALIFICATION AND PERIODIC TRAINING

- 5.1. The training centres taking part in the initial qualification and periodic training must be approved by the competent authorities in the Parties. Approval may be given only in response to a written application. The application must be accompanied by documents including:
 - 5.1.1. a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
 - 5.1.2. the instructors' qualifications and fields of activity;
 - 5.1.3. information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used; and
 - 5.1.4. the conditions regarding participation in the courses (number of participants).
- 5.2. The competent authority must give approval in writing subject to the following conditions:
 - 5.2.1. the training must be given in accordance with the documents accompanying the application;
 - 5.2.2. the competent authority must be entitled to send authorised persons to assist in the training courses of the approved centres, and must be entitled to monitor such centres, with regard to the resources used and the proper running of the training courses and tests; and

- 5.2.3. the approval may be withdrawn or suspended if the conditions of approval are no longer complied with. The approved centre must guarantee that the instructors have a sound knowledge of the most recent regulations and training requirements. As part of a specific selection procedure, the instructors must provide certification showing a knowledge of both the subject material and teaching methods. As regards the practical part of the training, instructors must provide certification of experience as professional drivers or similar driving experience, such as that of driving instructors for heavy vehicles.

The programme of instruction must be in accordance with the approval and must cover the subjects in the list in Section 1.”.

Amendment to the Road Transport (Working Time) Regulations 2005.

11.(1) The Road Transport (Working Time) Regulations 2005 are amended in accordance with this regulation.

(2) In regulation 2-

- (a) after the definition of “AETR” insert-

““Annex 27” means Annex 27 to the TGEU;

“Article” means an Article in the TGEU;”;

- (b) in the definition of “self-employed driver”, after “a UK licence for the Community or a Community licence” insert “, a licence under section 66ZF of the Transport Act 1998, ”;

- (c) after the definition of “self-employed driver” insert-

““the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026;”;

(3) In regulation 3-

- (a) substitute subregulation (1) for –

“(1) These Regulations apply to mobile workers-

- (a) who are employed by, or who work for, undertakings established in Gibraltar, and to whom paragraphs (2), (3) and (3A) applies; or
- (b) mobile workers employed by road transport operators or self-employed drivers.”;

(b) insert after subregulation (3) –

“(3A) This paragraph applies to mobile workers undertaking journeys referred to in Articles 276 and 277 of the TGEU.”.

(4) In regulation 15(1), substitute “regulation 3(2) or 3(3)” for “regulation 3(2), (3) or (3A)”.

(5) After regulation 15 insert-

“Application of the Traffic (Drivers’ Qualification and Training) Regulations 2008.

15A.(1) For the purposes of regulation 3(3A), Section 2 of Part B in Annex 27 of the TGEU shall apply to mobile workers, unless the exemptions in the Traffic (Drivers’ Qualification and Training) Regulations 2008 are applicable to the mobile worker in question.”.

Amendment to Transport (Recording Equipment) (Minimum Conditions) Regulations 2008.

12.(1) The Transport (Recording Equipment) (Minimum Conditions) Regulations 2008 are amended in accordance with this regulation.

(2) In the long title, after “*Council Directive 88/599/EEC,*” insert “*and to implement, in part, Annex 27 of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland,*”.

(3) In regulation 2-

(a) after the definition of “AETR” insert-

““Annex 27” means Annex 27 to the TGEU;

“Appendix” refers to a numbered Appendix in Annex 27;

“Article” means-

(a) an Article of the TGEU;

(b) an Article or other provision of Annex 27 (however numbered or described); and

(c) an Article or other provision of an Appendix,

and, in each case, except where the context otherwise requires;”;

- (b) after the definition of “Hours and Tachographs Regulations” insert-

““Member States” has the same meaning as in section 3(3) of the Treaty on Gibraltar and the European Union Act 2026;”;

- (c) in the definition of “Principal Secretary”, substitute the full stop for a semi-colon;

- (d) after the definition of “Principal Secretary” insert-

““TACHOnet messaging system” means the messaging system complying with the technical specifications laid down in Annexes I to VII of Commission Implementing Regulation (EU) 2016/68;

“the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026.”.

- (4) In regulation 3, after “AETR” insert–

“ , and implement Article 12 of Section 4 (Use of Tachographs by drivers) of Annex 27 of the TGEU” ;

- (5) After regulation 10 insert-

““Electronic exchange of information on driver cards.

10A.(1) In order to ensure that an applicant does not already hold a valid driver card, the Driver and Vehicle Licensing Department shall maintain a national electronic register containing the following information on driver cards for a period at least equivalent to the period of validity of those cards-

- (a) surname and first name of the driver;
 - (b) birth date and, if available, place of birth of the driver;
 - (c) valid driving licence number and country of issue of the driving licence (if applicable);
 - (d) status of the driver card; and
 - (e) driver card number.
- (2) The electronic registers of Driver and Vehicle Licensing Department shall be interconnected and accessible throughout the territory of the Union, using the TACHOnet messaging system or a compatible system.
- (3) In the case of the use of a compatible system, the exchange of electronic data with the other Party shall be possible through the TACHOnet messaging system.

- (4) When issuing, replacing and, where necessary, renewing a driver card, the Driver and Vehicle Licensing Department shall verify through electronic data exchange that the driver does not already hold another valid driver card, and the data exchanged shall be limited to the data necessary for the purpose of this verification.
- (5) Enforcement officers may have access to the electronic register in order to check the status of a driver card.

TACHOnet messaging service.

10B. The electronic register maintained by the Driver and Vehicle Licensing Department in compliance with Annex 27 of the TGEU shall be interconnected and accessible throughout the Union, using the TACHOnet messaging system or a compatible system, and in the case of the use of a compatible system, the exchange of electronic data with other Member States shall be possible through the TACHOnet messaging system.”.

- (6) Insert after regulation 11(3) the following subregulation–

“(4) For the purposes of Annex 27 of the TGEU, the Minister must introduce a risk-rating system for undertakings based on the relative number and severity of any infringements, as set out in Appendix 27-A-1-1 and of any infringements included in the list set out in Appendix 27A11bis of Annex 27 as set out in Schedule 4.”.

- (7) In Schedule 1 Part A–

- (a) at paragraph (5) substitute the full stop with the semi-colon;
- (b) insert after paragraph 5–

“(6) for the purposes of Annex 27 of the TGEU, driver qualification in compliance with sections 2 to 4 of Part B of Annex 27 of the TGEU.”.

- (8) In Schedule 1 Part B, after “Hours and Tachographs Regulations and of the AETR.” insert –

“For the purposes of Annex 27 of the TGEU, the checks must include driver qualification in compliance with sections 2 to 4 of Part B of Annex 27 of the TGEU.”.

- (9) After Schedule 3, insert the following Schedule –

“SCHEDULE 4

(regulation 11(4))

In accordance with regulation 11(4), the following tables contains the guidelines on a common range of infringements under Annex 27 of the TGEU according to their gravity.

Appendix 27-A-1-1

MOST SERIOUS INFRINGEMENTS FOR THE PURPOSES OF ARTICLE 6(2) OF PART A OF ANNEX 27

1. Exceeding time limits as follows:

- (a) exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more;
- (b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more.

2. Not having a tachograph and/or speed limiter, or having in the vehicle and/or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.

3. Driving without a valid roadworthiness certificate and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.

4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.

5. Carrying goods without holding a valid driving licence or carrying by an undertaking not holding a valid operator's licence as referred to in Article 278 of the TGEU.

6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.

7. Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

Appendix 27A11bis

LIST OF SERIOUS INFRINGEMENTS FOR THE PURPOSES OF ARTICLE 6(2) OF PART A OF ANNEX 27

The following tables contain categories and types of serious infringements of this Annex 27 to the TGEU, divided into three categories of seriousness according to their potential to create a risk of fatalities or serious injuries and/or distorting competition in the road transport market: most serious infringement (MSI), very serious infringement (VSI) and serious infringement (SI).

(1) Groups of infringements against Section 2 of Part B of Annex 27 of the TGEU, unless stated otherwise.

	LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNES S		
				MSI	VSI	SI
Driving periods						
1.	Article 4(1) and Appendix 27-A-1-1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	$10h \leq \dots < 11h$			X
2.			$11h \leq \dots$		X	
3.		Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X		
4.		Exceed extended daily driving time of 10h if extension allowed	$11h \leq \dots < 12h$			X
5.			$12h \leq \dots$		X	
6.		Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X		
7.	Article 4(2) and Appendix 27-A-1-1	Exceed weekly driving time	$60h \leq \dots < 65h$			X
8.			$65h \leq \dots < 70h$		X	
9.		Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X		
10.	Article 4(3) and Appendix 27-A-1-1	Exceed maximum total driving time during 2 consecutive weeks	$100h \leq \dots < 105h$			X
11.			$105h \leq \dots < 112h30$		X	

	LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNES S		
				MSI	VSI	SI
12.		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X		
Breaks						
13.	Article 5	Exceed uninterrupted driving time of 4,5 hours before taking the break	$5h \leq \dots < 6h$			X
14.			$6h \leq \dots$		X	
Rest Periods						
15.	Article 6(2)	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$8h30 \leq \dots < 10h$			X
16.			$\dots < 8h30$		X	
17.		Insufficient reduced daily rest period of less than 9h if reduction allowed	$7h \leq \dots < 8h$			X
18.			$\dots < 7h$		X	
19.		Insufficient split daily rest period of less than 3h + 9h	$3h + [7h \leq \dots < 8h]$			X
20.			$3h + [\dots < 7h]$		X	
21.	Article 6(5)	Insufficient daily rest period of less than 9h for multi-manning	$7h \leq \dots < 8h$			X
22.			$\dots < 7h$		X	
23.	Article 6(6)	Insufficient reduced weekly resting period of less than 24h	$20h \leq \dots < 22h$			X
24.			$\dots < 20h$		X	
25.		Insufficient weekly resting period of less than 45h if reduced weekly resting period not allowed	$36h \leq \dots < 42h$			X
26.			$\dots < 36h$		X	
27.		Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$3h \leq \dots < 12h$			X
28.			$12h \leq \dots$		X	
29.	Article 6(7)	No compensation rest for two consecutive reduced weekly rest periods			X	

	LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNES S		
				MSI	VSI	SI
30.	Article 6(9)	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle			X	
31.		The employer not covering costs for accommodation outside the vehicle				X
Work organisation						
32.	Article 6(10)	Transport undertaking not organising the work of drivers in such a way that the drivers are able to return to the employer's operational centre, or to return to the drivers' place of residence			X	
33.	Article 7(1)	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried			X	
34.	Article 7(2)	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law			X	

(2) Groups of infringements of Section 4 of Part B and Section 2 of Part C of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Installation of tachograph					
1.	Articles 3 and 5 of Section 2 of Part C and Appendix 27-A-1-1	Not having type-approved tachograph installed and used	X		
Use of tachograph, driver card or record sheet					
2.	Article 6(1) of Section 2 of Part C	Using a tachograph not inspected by an approved workshop		X	
3.	Article 3 of Section 4 of Part B and Appendix 27-A-1-1	Driver holding and/or using more than one own driver card		X	
4.		Driving with a driver card that has been falsified (considered as driving without driver card)	X		

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
5.		Driving with a driver card of which the driver is not the holder (considered as driving without driver card)	X		
6.		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents (considered as driving without driver card)	X		
7.	Article 7(1) of Section 4 of Part B and Article 15(1) of Section 2 of Part C	Tachograph not correctly functioning (e.g.: tachograph not properly inspected, calibrated and sealed)		X	
8.		Tachograph improperly used (e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)		X	
9.	Article 7(2) of Section 4 of Part B and Appendix 27-A-1-1	Having in the vehicle and/or using a fraudulent device able to modify the records of the tachograph	X		
10.		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
11.	Article 15(2) of Section 2 of Part C	Undertaking not keeping record sheets, printouts and downloaded data		X	
12.		Recorded and stored data not available for at least a year		X	
13.	Article 6(1) of Section 4 of Part B	Incorrect use of record sheets/driver card		X	
14.		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
15.		Record sheet or driver card used to cover a period longer than that for which it is intended, and data is lost		X	
16.	Article 6(2) of Section 4 of Part B	Use dirty or damaged record sheets or drivers card and data not legible		X	
17.	Article 6(3) of Section 4 of Part B	Not using manual input when required to do so		X	

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
18.	Article 6(4) of Section 4 of Part B	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
19.	Article 6(5) of Section 4 of Part B	Incorrect use of switch mechanism		X	
Producing information					
20.	Article 6(5), point (b)(v) of Section 4 of Part B	Incorrect use or non-use of the ferry/train sign			X
21.	Article 6(6) of Section 4 of Part B	Required information not entered on the record sheet		X	
22.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
23.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
24.	Article 10 of Section 4 of Part B	Refusing to be checked		X	
25.		Unable to produce manual records and printouts made during the current day and the previous 56 days		X	
26.		Unable to produce a driver card, if the driver holds one		X	
Malfunctioning					
27.	Article 16(1) and Article 5(1) of Section 2 of Part C	Tachograph not repaired by an approved fitter or workshop		X	
28.	Article 11 of Section 4 of Part B	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X	

(3) Groups of infringements of Section 3 of Part B of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Maximum weekly working time						
1.	Article 3	Exceeding maximum weekly working time of 48h if possibilities to extend to 60h already consumed	$56h \leq \dots 60h$			X
2.			$60h \leq \dots$		X	
3.		Exceeding maximum weekly working time of 60h if no derogation under Article 7 granted	$65 \leq \dots < 70h$			X
4.			$70h \leq \dots$		X	
Breaks						
5.	Article 4	Insufficient obligatory break taken when working time between 6 and 9 hours	$10 < \dots \leq 20 \text{ min}$			X
6.			$\dots \leq 10 \text{ min}$		X	
7.		Insufficient obligatory break taken when working time over 9 hours	$20 < \dots \leq 30\text{min}$			X
8.			$\dots \leq 20 \text{ min}$		X	
Night work						
9.	Article 6	Daily working time in each 24h when night work performed if no derogation under Article 7 granted	$11h \leq \dots < 13h$			X
10.			$13h \leq \dots$		X	
Records						
11.	Article 8	Employers falsifying working time records or refusing to provide records to inspection officer			X	
12.		Employed/self-employed drivers falsifying records or refusing to provide records to inspection officer			X	

(4) Groups of infringements of Section 1 of Part C of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNESS		
				MSI	VSI	SI
Weights						
1.	Article 1 and Appendix 27-A-1-1	Exceed maximum permissible weights for N3 vehicles	$5\% \leq \dots < 10\%$			X
2.			$10\% \leq \dots < 20\%$		X	
3.			$20\% \leq \dots$	X		
4.		Exceed maximum permissible weight for N2 vehicles	$5\% \leq \dots < 15\%$			X
5.			$15\% \leq \dots < 25\%$		X	
6.			$25\% \leq \dots$	X		
Lengths						
7.	Article 1	Exceed maximum permissible length	$2\% < \dots < 20\%$			X
8.			$20\% \leq \dots$		X	
Width						
9.	Article 1	Exceed maximum permissible width	$2,65 \leq \dots < 3,10$ metres			X
10.			$3,10 \text{ metres} \leq \dots$		X	

(5) Groups of infringements of rules on technical roadside inspection

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Roadworthiness					
1.	Annex 27, Part A, Article 6(1)(b)(iv) and	Driving without a valid proof of roadworthiness tests passed, as required by Union and UK law	X		
2.	Appendix 27-A-1-1	Not keeping a vehicle in a safe and roadworthy condition resulting in a very serious deficiency of the braking system, the steering linkages, the wheels/tyres, the suspension or chassis or other equipment that	X		

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
		would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle			

(6) Groups of infringements of rules on speed limitation devices

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(vii)	Speed limitation device not fitted	X		
2.		Speed limitation device not satisfying the applicable technical requirements		X	
3.		Speed limitation device not fitted by an approved workshop			X
4.		Having and/or using a fraudulent device able to falsify data of speed limitation device or having and/or using a fraudulent speed limitation device	X		

(7) Groups of infringements of Section 1 of Part B of Annex 27

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Training and Licence					
1.	Article 3	Carrying goods without a compulsory initial qualification and/or compulsory periodic training		X	
2.	Article 9 and Appendix 27-B-1-2	Driver unable to present the valid qualification card or the driving licence with the marking, as required by the national law (e.g.: lost, forgotten, damaged, unreadable)			X

(8) Groups of infringements of driving licence requirements

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(viii) and Appendix 27-A-1-1	Carrying goods without holding a valid driving licence	X		
2.		Using a driving licence which is damaged or unreadable or not in line with common model			X

(9) Groups of infringements of rules on the transport of dangerous goods by road

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(vi) and Appendix 27-A-1-1	Transporting dangerous goods that are prohibited for transport	X		
2.		Transporting dangerous goods in a prohibited or non-approved means of containment, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
3.		Transporting dangerous goods without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
4.		Leakage of dangerous substances		X	
5.		Carriage in bulk in a container which is not structurally serviceable		X	
6.		Carriage in a vehicle without an appropriate certificate of approval		X	
7.		Vehicle no longer complies with the approval standards and presents an immediate danger		X	

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
8.		The rules governing the securing and stowage of the load have not been complied with		X	
9.		The rules governing mixed loading of packages have not been complied with		X	
10.		The provisions limiting the quantities carried in one transport unit have not been complied with, including permissible degrees of filling tanks or packages;		X	
11.		Information relevant to the substance being carried enabling determination of level of seriousness of offence is missing (e.g. UN number, proper shipping name, packing group)		X	
12.		Driver does not hold a valid vocational training certificate		X	
13.		Fire or an unprotected light is being used		X	
14.		The ban on smoking is not being observed.		X	
15.		The vehicle is not properly supervised or parked			X
16.		The transport unit comprises more than one trailer/semi-trailer			X
17.		Vehicle no longer complies with the approval standards but does not present an immediate danger			X
18.		The vehicle is not carrying operational fire extinguishers as required			X
19.		The vehicle does not carry the equipment required in the ADR or in the instructions in writing			X
20.		Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried			X
21.		Carriage of packaged goods in a container which is not structurally serviceable			X

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
22.		Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly			X
23.		Incorrect labelling, marking or placarding on the vehicle and/or containment			X
24.		There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried			X

(10) Groups of infringements of Chapter 2 of Title III of Part Three of the TGEU, unless stated otherwise

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MS I	VS I	SI
Licence					
1.	Article 278(1) and Appendix 27-A-1-1	Carrying goods without holding a valid licence (i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.)	X		
2.	Article 278(3)	The haulage undertaking or the driver unable to present a valid licence or a valid certified true copy of the licence to the inspecting officer (i.e.: licence or certified true copy of the licence lost, forgotten, damaged, etc.)		X	
Driver attestation					
3.	Annex 27, Part A, Article 6(1)(b)(v)	Drivers carrying goods without holding a valid driver attestation (i.e. driver's attestation is non-existent, falsified; withdrawn, expired, etc.)		X	
4.	Annex 27, Part A, Article 6(1)(b)(v)	The driver or the haulage undertaking unable to present a valid driver attestation or a valid certified true copy of the driver attestation to the inspecting officer (i.e. driver attestation or			X

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MS I	VS I	SI
		certified true copy of the driver attestation lost, forgotten, damaged, etc.)			
Specific transport operations allowed under this Agreement					
5.	Article 277	Carrying out cabotage or other transport operations not in compliance with the laws, regulations and administrative provisions, including limitations on the number of journeys, in force in the host Party.		X	

(11) Groups of infringements of rules on animal transport

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(x))	Partitions are not strong enough to withstand the weight of animals		X	
2.		Using loading or unloading ramps that have slippery surfaces, that lack lateral protections or that are too steep			X
3.		Using lifting platforms or upper floors that do not have safety barriers preventing animals from falling or escaping during loading and unloading operations			X
4.		Means of transport not approved for long journeys, or not approved for the type of animals being transported.			X
5.		Transporting without valid required documentation, journey log or transporter authorisation or certificate of competence			X

(12) Groups of infringements of laws applicable to contractual obligations

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 27, Part A, Article 6(1)(b)(xii)	Violation of the law applicable to contractual obligations		X	

Degrees of seriousness of serious infringements

- (1) The degrees of seriousness of infringements shall be serious (“SI”), very serious (“VSI”) and most serious (“MSI”).
- (2) Serious and very serious infringements, when committed repeatedly by the same operator, shall be regarded as more serious by the competent authority in the Party of establishment. When calculating the frequency of occurrence of repeated infringements, the competent authorities in the Party shall take into account the following factors:
The seriousness of the infringements (SI or VSI);
 - Time (at least one rolling year from the date of a control);
 - Number of vehicles used for the transport activities managed by the transport manager (average per year).
- (3) Taking into account the potential of creating a risk to road safety, the maximum frequency of serious infringements beyond which they should be considered as more serious shall be established as follows:
 - three SI per vehicle and per year = one VSI;
 - three VSI per vehicle and per year = launch of a national procedure on good repute.
- (4) The number of infringements per vehicle per year is an average figure calculated by dividing the total number of all infringements of the same level of seriousness (SI or VSI) by the average number of vehicles used during the year. The frequency formula provides for a maximum threshold for occurrence of serious infringements beyond which they shall be considered more serious. Competent authorities in the Parties may establish stricter thresholds if envisaged in their national administrative procedure for assessing good repute.”.

Amendment to the Transport Act 1998.

13.(1) The Transport Act 1998 is amended in accordance with this regulation.

(2) In section 66C, insert after subsection (11) the following-

“(11A) The reference in subsection (11) to “applicable EU Rules” shall include those rules which apply for the purposes of Article 12(6) of Section 4 (use of tachographs by drivers) of Annex 27 to the TGEU.

(11B) The references in subsection (11A) to “Annex 27” and “TGEU” have the same meaning as provided in section 66ZC.”.

Amendment to Vehicles (Construction, Equipment and Maintenance) Regulations.

14.(1) The Vehicles (Construction, Equipment and Maintenance) Regulations are amended in accordance with this regulation.

(2) In Schedule 4-

(a) after paragraph 1(1A) insert-

“(1B) The maximum distance between the axis of the fifth-wheel king pin and the rear of a semi-trailer must be 12.00m.”;

(b) after paragraph 1B(a) insert-

“(aa) when the aerodynamic devices and equipment exceed 500 mm in length in the “in use” position they shall be retractable or foldable.”.

(3) In Schedule 5, Part 1, Table 1 –

(a) at item 2, Column 2, after “*Vehicle combinations*” insert-

“In the case of vehicle combinations including alternatively fuelled or zero emission vehicles, the maximum authorised weights provided for in this table are increased by the additional weight of the alternative fuel or zero-emission technology with a maximum of 1 tonne and 2 tonnes respectively.”.

(b) at item 3.1 (Two-axle motor vehicles other than buses) in Column 2-

(i) after “alternative fuel technology” insert “ , and zero emission technology,”;

(ii) after “1 tonne” insert “and 2 tonnes respectively.”.

Dated: 3rd July 2026.

PROF J CORTES,
Minister with responsibility for Transport.

EXPLANATORY MEMORANUM

These Regulations implement the requirements under Annex 27 of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, and the United Kingdom of Great Britain and Northern Ireland, which are not otherwise provided under domestic law.